



**ANTITRUST DIVISION
WORKLOAD STATISTICS
FY 1991 - 2000**



INVESTIGATIONS	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Total Investigations Initiated, by Primary Type of Conduct¹										
Sherman §1 - Restraint of Trade	77	84	110	136	98	93	73	80	55	82
Sherman §2 - Monopoly	5	3	7	22	16	14	8	5	5	8
Clayton §7 - Mergers	92	84	102	102	134	237	276	228	230	177
Others	4	5	5	9	1	3	5	2	3	10
Business Reviews										
Requested	14	9	20	32	49	28	22	16	12	15
Closed	7	10	21	27	29	37	39	19	9	12
- Granted	1	6	14	24	17	15	32	12	7	9
- Denied	-	-	-	1	-	2	1	-	2	-
- Declined	1	1	2	1	1	2	5	-	-	2
- Withdrawn	5	3	5	1	11	18	1	7	-	1
Pending	19	18	17	22	42	33	16	18	20	23

¹ Reflects the primary type of conduct under investigation at the outset. See "District Court Antitrust Cases" for numbers of cases by offense. Does not include business reviews or premerger notifications, but includes investigations initiated as a result of premerger notifications. We have adjusted FY 1981 through FY 1990 records which previously counted investigations each time they went into a different phase. Matters are now counted only once, even if they go through several stages of investigation.

INVESTIGATIONS	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Hart-Scott-Rodino (HSR) Premerger Notifications										
Received	1,529	1,589	1,846	2,301	2,816	3,094	3,702	4,728	4,642	4,926
HSR Investigations Initiated	67	52	72	57	88	186	220	170	172	137
Number of Cases Filed	2	2	2	9	8	9	14	14	19	20
Total Preliminary Inquiries -- Criminal, Civil Non-Merger, and Merger										
Initiated	149	147	185	254	227	331	344	295	277	241
Cases Filed or Investigations Ceased	146	144	200	224	258	295	323	282	283	223
Pending	126	129	114	144	113	149	170	172	147	156
Total number of CIDs Issued²	482	463	470	1,135	2,029	1,878	1,629	1,488	919	980
Documentary	21	26	45	206	197	365	290	268	78	56
Written	55	94	21	40	165	47	31	29	76	98
Oral	92	143	113	307	707	857	629	605	182	257
Documentary/Written ³	314	200	291	582	960	609	679	586	583	569

² A very limited number of investigations with peculiar factual circumstances (e.g., large number of local markets at issue, large number of potentially competitive products, and the large volume of commerce involved) account for the large increase in the numbers of civil investigative demands (CIDs) issued since 1994. For the vast majority of investigations, there was little or no increase in the use of CIDs.

³ Combined documentary and written CIDs served to one person, corporation, partnership or legal entity.

INVESTIGATIONS	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Civil Investigations										
<i>Merger Investigations</i>	96	87	109	105	134	237	277	230	230	178
a. HSR Investigations	67	52	72	57	88	186	220	176	175	137
- Merger Investigations (second requests)	34	22	32	25	56	102	120	102	68	55
b. Non-HSR Investigations	29	35	37	48	45	49	57	54	55	41
- Merger Investigations (CIDs issued, non-HSR)	8	9	8	13	9	15	13	20	13	7
c. Merger CIDs Issued ⁴				358	741	762	1,141	876	690	783
<i>Non-Merger Investigations</i>	58	63	83	152	93	94	91	94	56	40
- Non-Merger Investigations (CIDs issued) ⁵	11	4	17	54	44	32	24	26	15	9
- Non-Merger CIDs Issued				740	1,247	1,108	409	406	180	168
<i>Merger Investigation Results</i>										
- Actions Filed in District Court ⁶	4	4	5	10	9	9	14	15	21	21
- Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	9	4	6	12	9	21	17	36	25	27
<i>Total Number of Public Challenges</i>	13	8	11	22	18	30	31	51	46	48
<i>Civil Non-Merger Investigation Results⁷</i>										
- Actions Filed in District Court	-	-	-	-	10	15	20	5	7	2

⁴ Some CIDs covered more than one investigation, and some CIDs were issued for previously opened investigations; figures available from FY 1994.

⁵ This statistic only includes the first CID issued in an investigation.

⁶ These statistics are the same as those reported under "District Court Antitrust Cases - Merger Cases Filed" on page 6.

⁷ Statistics for this section are available only from FY 1995.

INVESTIGATIONS AND CASES	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Criminal Investigations										
<i>Grand Jury Investigations</i>										
- Initiated	45	51	51	28	30	27	28	30	19	26
- Terminated	34	57	62	62	45	32	20	17	28	35
- Pending	150	144	133	99	84	79	87	100	92	81
Criminal Cases Filed	81	78	84	57	60	42	38	62	57	63
- Individuals Charged	58	65	50	50	32	22	29	52	46	60
- Corporations Charged	70	64	62	55	40	41	24	19	17	40

DISTRICT COURT ANTITRUST CASES	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Total Civil Cases										
- Filed	17	12	9	21	24	29	20	23	29	23
- Terminated	21	13	14	10	22	22	24	26	21	12
Won	15	12	11	7	21	22	23	25	21	12
Lost	4	-	1	-	-	-	1	1	-	-
Dismissed	2	1	2	3	1	-	-	-	-	-
- Pending	11	10	5	16	18	25	19	22	30	41
(1) Restraint of Trade - Civil (Sherman §1)										
- Filed	2	3	2	8	12	14	3	4	5	1
- Terminated	5	1	3	1	11	7	13	7	7	-
Won	4	1	3	1	11	7	13	7	7	-
Lost	1	-	-	-	-	-	-	-	-	-
Dismissed	-	-	-	-	-	-	-	-	-	-
(2) Monopoly - Civil (Sherman §2)										
- Filed	-	1	-	1	1	2	1	3	2	1
- Terminated	-	1	-	-	1	2	1	-	2	-
Won	-	1	-	-	-	2	1	-	2	-
Lost	-	-	-	-	-	-	-	-	-	-
Dismissed	-	-	-	-	1	-	-	-	-	-

DISTRICT COURT ANTITRUST CASES	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
(3) Merger Cases (Clayton §7)										
- Filed	4	4	5	9	9	9	14	15	21	21
- Terminated	10	5	8	7	7	8	9	17	9	12
Won	5	4	6	4	7	8	8	16	9	12
Lost	3	-	1	-	-	-	1	1	-	-
Dismissed	2	1	1	3	-	-	-	-	-	-
(4) Damage Actions - Civil										
- Filed	1	1 ⁸	-	1	-	-	-	-	-	-
- Terminated	1	1	-	1	-	-	-	-	-	-
Won	1	1	-	1	-	-	-	-	-	-
Lost	-	-	-	-	-	-	-	-	-	-
Dismissed	-	-	-	-	-	-	-	-	-	-
(5) Other Civil										
- Filed	10	4	2	2	2	4	2	1	2	-
- Terminated	5	6	3	1	3	5	1	2	3	-
Won	5	6	2	1	3	5	1	2	3	-
Lost	-	-	1	-	-	-	-	-	-	-
Dismissed	-	-	-	-	-	-	-	-	-	-

⁸ This is the same case as counted under "Monopoly - Civil" above. The case was a violation of Section 2, but the settlement also included damages which the defendants paid.

DISTRICT COURT ANTITRUST CASES	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Total Criminal Cases										
Filed	81	78	84	57	60	42	38	62	57	63
Won	66	101	73	51	65	38	40	64	48	52
Lost	4	5	3	4	2	5	1	1	2	-
Pending ⁹								17	57	17
Appeal Decisions	8	15	7	9	7	6	4	6	-	-
(1) Restraint of Trade - Criminal (Sherman §1)										
Filed	75	70	78	52	49	39	32	57	53	52
Won	61	92	68	46	58	31	35	59	45	44
Lost	4	4	2	4	2	4	1	1	2	-
Pending ¹⁰								16	54	14
(2) Criminal Cases Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements										
Filed	6	8	5	5	11	3	6	5	4	11
Won	5	9	5	5	7	7	5	5	3	8
Lost	-	1	1	-	-	1	-	-	-	-
Pending ¹¹								1	3	4

⁹ This is a new statistic as of the FY 1999 Workload Statistics Report.

¹⁰ This is a new statistic as of the FY 1999 Workload Statistics Report.

¹¹ This is a new statistic as of the FY 1999 Workload Statistics Report.

APPELLATE CASES	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Antitrust Division Cases, <i>Court of Appeals</i>										
- Filed	18	18	19	10	20	17	14	23	10	10
- Terminated	9	17	13	13	11	13	12	12	6	3
Won	8	14	8	11	8	8	9	9	4	3
Lost	1	3	3	2	3	-	-	3	2	-
Dismissed	-	-	2	-	-	5	3	-	-	-
Antitrust Division Cases, <i>Supreme Court</i>										
- Filed	3	2	4	4	1	-	2	2	1	1
- Terminated	7	-	4	-	3	4	1	-	1	-
Won	7	-	3	-	2	-	1	-	1	-
Lost	-	-	1	-	1	-	-	-	-	-
Dismissed	-	-	-	-	-	4	-	-	-	-
Amicus Cases, <i>Court of Appeals</i>										
- Filed	-	1	-	2	4	6	3	3	-	5
- Terminated	1	-	1	-	4	4	7	2	1	2
Won	1	-	1	-	1	2	6	1	1	2
Lost	-	-	-	-	3	2	-	1	-	-
Dismissed	-	-	-	-	-	-	1	-	-	-

APPELLATE CASES	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
<i>Amicus Cases, Supreme Court</i>										
- Filed	4	5	-	1	1	3	2	4	1	1
- Terminated	5	1	4	1	1	3	1	4	-	1
Won	3	1	4	-	1	1	1	3	-	1
Lost	2	-	-	-	-	2	-	1	-	-
Dismissed	-	-	-	1	-	-	-	-	-	-
<i>Other Agencies' Cases (Administrative Law Cases), Court of Appeals</i>										
- Filed	103	113	134	159	130	111	211	428	113	69
- Terminated	93	56	106	38	121	99	63	52	110	85
Won	47	21	55	15	68	30	23	20	47	21
Lost	14	7	16	5	11	10	7	7	8	1
Dismissed	32	28	35	18	42	59	33	25	55	63
<i>Other Agencies' Cases, Supreme Court</i>										
- Filed	7	4	-	-	-	5	1	10	7	4
- Terminated	6	3	3	1	-	4	-	-	4	2
Won	6	3	2	1	-	2	-	-	3	1
Lost	-	-	-	-	-	2	-	-	1	-
Dismissed	-	-	1	-	-	-	-	-	-	1

JUDGMENT ENFORCEMENT¹²	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Divestitures	2	2	3	1	4	6	13	9	20	17
Compliance Reports ¹³	82	94	83	79	71	65	60	NA	NA	-
Decrees Modified/Terminated	4	3	3	9	5	6	1	4	3	4
Contempt Cases	-	-	-	-	1	1	-	1	3	-
Modification/Termination Investigations ¹⁴										
- Initiated	6	6	2	1	-	5	5	6	11	-
- Terminated	5	2	5	9	4	4	3	4	3	6
- Pending	17	21	18	10	6	7	9	13	20	14

¹² This category of statistics does not include activity concerning the enforcement of the modified final judgement in the AT&T case.

¹³ This data was not available for FY 1998 or FY 1999.

¹⁴ These are investigations to determine whether a judgment should be modified or terminated.

CASE RESULTS¹⁵	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Fines Imposed¹⁶										
Total Individual Fines (\$000)	2,806	1,275	1,868	1,240	1,211	1,572	1,247	2,499	12,273	5,180
- Number of Individuals Fined	37	27	45	33	25	16	17	20	50	43
Total Corporate Fines (\$000)	17,573	22,430	40,427	38,996	40,222	25,245	203,931	241,645	959,866	303,241
- Number of Corporations Fined	55	45	64	59	32	31	30	18	25	26
Total Fines Imposed (\$000)	20,379	23,705	42,295	40,236	41,433	26,817	205,178	244,144	972,138	308,421
Restitution Imposed in Connection with Criminal Cases¹⁷ (\$000)	3,185	3,550	950	4,220	1,200	799	275	4,250	2,343	1,713
- Number of Defendants	16	15	16	4	7	5	2	3	12	20
HSR Penalties (\$000)	6,775	2,000	1,976	2,600	425	7,650	5,796	500	3,285	-
- Number of Corporations	9	3	-	1	-	4	3	2	4	-
- Number of Individuals	-	-	1	-	1	-	1	-	1	-

¹⁵ Dollar figures are amounts imposed during the fiscal year.

¹⁶ Does not include fines “agreed to” by defendants in plea agreements during the fiscal year but not yet imposed by the court.

¹⁷ Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

CONFINEMENT	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Incarceration										
Number of Individuals Sentenced	50	29	56	40	27	19	17	16	54	47
Number of Individuals Sentenced to Incarceration Time	22	11	14	9	16	5	3	5	28	18
Total Number of Actual Days of Incarceration Imposed by the Court	6,594	2,488	4,726	1,497	3,902	2,431	789	1,301	6,662	5,584
Other Confinement¹⁸										
Individuals Sentenced to Other Confinement	16	15	26	22	16	8	9	10	25	20
Number of Other Confinement Days	1,519	1,734	3,552	2,475	2,933	1,148	1,270	1,530	2,850	2,567

¹⁸ Includes house arrest or confinement to a halfway house or community treatment center.

PARTICIPATION IN BANK MERGER PROCEEDINGS	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Total Screenings	1,598	1,539	1,873	1,927	1,897	1,788	1,850	1,923	1,698	1,373
Screenings Requiring Competitive Analysis ¹⁹	1,117	1,141	1,201	1,177	1,211	1,231	1,197	1,225	1,109	945

ADVICE TO FOREIGN GOVERNMENTS	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Notifications to Foreign Gov'ts. and International Organizations	63	53	53	60	76	73	77	96	93	143
Representation at/Negotiations with Foreign Gov'ts. and Int'l. Orgs.	26	43	18	44	40	42	47	50	55	51
Applications for Export Trade Certificates	7	10	8	6	7	5	4	3	5	6
Certificates Issued	8	9	6	7	6	3	4	3	3	4

¹⁹ To provide a more valid measure of the Division's bank merger review workload, this workload measure was initiated in FY 1989.

FILINGS IN REGULATORY AGENCY PROCEEDINGS²⁰	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Department of Transportation	4	6	2	-	3	-	-	2	-	-
Federal Energy Regulatory Commission	3	9	4	1	2	-	-	-	1	-
Securities and Exchange Commission	1	-	-	-	2	1	-	1	-	2
Federal Communications Commission	7	5	2	2	1	8	5	6	-	-
Federal Maritime Commission	8	10	2	2	1	-	-	-	-	-
Interstate Commerce Commission	3	9	4	1	4	-	-	-	-	1
Other	7	9	6	4	1	1	3	2	-	11
Total	33	48	20	10	14	10	8	11	1	14

²⁰ These statistics may include counts of multiple filings for one proceeding.

OTHER ANTITRUST ACTIONS	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
4F (HSR) Information	7	16	14	5	11	21	9	2	2	2
Advice on Surplus Property	1	5	1	-	1	-	-	-	5	-
Meetings of Interagency Task Forces/Committees ²¹	35	57	99	54	56	13	41	28	35	47
Congressional Appearances	8	7	1	10	7	5	4	10	11	20
Congressional/OMB Requests for Comments	757	827	497	782	514	675	579	779	629	568
White House Referrals	154	278	293	411	450	325	137	722	196	25
Congressional Correspondence	305	317	275	422	586	365	435	581	628	578
Statutory Reports	62	52	88	37	77	-	3	-	5	4
Joint Research & Development Filings	56	58	78	74	109	83	56	38	61	47
FOIA Requests	278	482	357	313	368	335	226	276	247	242
Privacy Act Requests	18	7	4	2	5	8	17	6	3	9

²¹ These figures reflect the number of interagency task forces or committees that held meetings at which Division staff attended. The figures do not reflect the actual number of meetings held.